

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

CALVIN C. MONTGOMERY,)
Petitioner/Defendant,)
vs.) CIVIL NO. 10-cv-356-DRH
UNITED STATES of AMERICA ,)
Respondent/Plaintiff.) CRIMINAL NO. 06-cr-30071

MEMORANDUM AND ORDER

HERNDON, Chief Judge:

This matter is before the Court on Petitioner's motion for relief pursuant to 28 U.S.C. § 2255

Petitioner pleaded guilty, pursuant to a written plea agreement, to one count of being a felon in possession of a firearm in violation of 18 U.S.C. § 922(g)(1). On March 20, 2008, Petitioner was sentenced 188 months imprisonment, 5 years supervised release, a \$100 assessment, and a \$750 fine. Petitioner filed a direct appeal, but the decisions of this Court were affirmed by the Seventh Circuit Court of Appeals. *United States v. Montgomery* No. 08-1690 (7th Cir., affirming district court February 13, 2009). Petitioner sought, but was denied, a petition for a writ of certiorari from the Supreme Court of the United States. *Montgomery v. United States*, 129 S.Ct. 2413 (2009).

In his § 2255 motion, Petitioner contends that both his trial counsel and his appellate counsel provided him ineffective assistance.

The Court **ORDERS** the Government to file a response to Petitioner's motion within

THIRTY (30) DAYS of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record.

IT IS SO ORDERED.

DATED: July 13, 2010

/s/ DavidRHerndon
DISTRICT JUDGE